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Attorneys for Defendant Google LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO,
individually and on behalf of all similarly
situated,

Plaintiffs,

v.

GOOGLE LLC,
Defendant.

Case No. 5:20-cv-03664-LHK-SVK

**DECLARATION OF JONATHAN TSE IN
SUPPORT OF GOOGLE'S
ADMINISTRATIVE MOTION TO SEAL
PORTIONS OF JOINT SUBMISSION IN
RESPONSE TO DKT. 242, 242-1 RE:
CUSTODIANS AND SEARCH TERMS**

Referral: Hon. Susan van Keulen, USMJ

1 I, Jonathan Tse, declare as follows:

2 1. I am a member of the bar of the State of California and an attorney with Quinn
3 Emanuel Urquhart & Sullivan, LLP, attorneys for Defendant Google LLC (“Google”) in this action.
4 I make this declaration of my own personal, firsthand knowledge, and if called and sworn as a
5 witness, I could and would testify competently thereto.

6 2. Pursuant to Civil Local Rule 79-5, I submit this declaration in support of Google’s
7 Administrative Motion to Seal portions of the parties’ Joint Submission in Response to Dkt. 242,
8 242-1 Re: Custodians And Search Terms (“Joint Submission”). In making this request, Google has
9 carefully considered the relevant legal standard and policy considerations outlined in Civil Local
10 Rule 79-5. Google makes this request with the good faith belief that the information sought to be
11 sealed consists of Google’s confidential and proprietary information and that public disclosure could
12 cause competitive harm.

13 3. Google respectfully requests that the Court seal the redacted portions of the Joint
14 Submission, attached hereto as Exhibit A.

15 4. The information requested to be sealed contains Google’s highly confidential and
16 proprietary information regarding highly sensitive features of Google’s internal systems and
17 operations, including details related to internal cookies, identifiers, and projects, and their
18 proprietary functions, as well as Google’s internal communications and practices with regard to
19 Incognito, which Google maintains as confidential in the ordinary course of its business and is not
20 generally known to the public or Google’s competitors.

21 5. Such confidential and proprietary information reveals Google’s internal strategies,
22 system designs, and business practices for operating and maintaining many of its important services,
23 and falls within the protected scope of the Protective Order entered in this action. *See* Dkt. 81 at 2-
24 3.

25 6. Public disclosure of such confidential and proprietary information could affect
26 Google’s competitive standing as competitors may alter their internal identifier and cookie system
27 designs and practices relating to competing products. It may also place Google at an increased risk
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1 of cyber security threats, as third parties may seek to use the information to compromise Google's
2 internal identifier system, projects, and practices.

3 7. For these reasons, Google respectfully requests that the Court order the Joint
4 Submission to be filed under seal.

5 I declare under penalty of perjury of the laws of the United States that the foregoing is true
6 and correct. Executed in San Francisco, California on August 24, 2021.

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8 DATED: August 24, 2021

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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11 By /s/ Jonathan Tse
Jonathan Tse

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13 *Attorney for Defendant*
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